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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,361	01/28/2002	Kenneth W. Winters	10008007-1	5210

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10/04/2004

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

POE, MICHAEL I

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,361

Applicant(s)

WINTERS, KENNETH W.

Examiner

Michael I Poe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 53-69 is/are pending in the application.
- 4a) Of the above claim(s) 64 and 66-69 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 53-63 and 65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 13, 2004 has been entered.

Amendments

2. Applicant's amendment filed on September 13, 2004 has been entered. Based upon the entry of this amendment, no existing claims have been amended, existing claims 1-52 have been canceled, and new claims 53-69 have been added. Claims 53-69 are currently pending.

Election/Restrictions

3. Newly submitted claims 64 and 66-69 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

There is no teaching in the applicant's original disclosure that the elected and originally presented invention of a windshield wiper apparatus may include means for revitalizing mounted thereon or as a part thereof. Means for revitalizing are only disclosed as part of a separate apparatus for revitalizing a wiper blade. As such, claims including means for revitalizing, for example claims 64 and 66-69, must be interpreted as claims directed to the non-elected apparatus for revitalizing a wiper blade when viewed in light of the applicant's original disclosure.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits.

Accordingly, claims 64 and 66-69 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 54 recites the limitation "the windshield wiper assembly" in line 2. There is insufficient antecedent basis for this limitation in the claim. For the purpose of this Office action, the examiner has assumed that the windshield wiper assembly refers to the windshield wiper apparatus.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 60 and 61 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,886,657 (Fabian).

Claims 60 and 61

Fabian teach a windshield wiper (a windshield wiper apparatus) having a new wiping edge formed by cutting a new edge having any desired oblique angle on an old wiper blade (a revitalized windshield wiper blade having a new edge formed from trimming a previous edge of the windshield wiper blade; an oblique new edge has been formed on the wiper blade) (column 1, lines 3-21; abstract).

8. Claims 60 and 62 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,604,802 (Samuelsson).

Claims 60 and 62

Samuelsson teach a squeegee blade having a fresh, clean straight edge formed by severing a worn edge of the squeegee blade from the body of the squeegee (a revitalized windshield wiper blade having a new edge formed from trimming a previous edge of the windshield wiper blade; a normal new edge has been formed on the wiper blade) (column 1, lines 38-50; abstract).

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Claim Rejections - 35 USC § 102 and 103

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 53, 54, 56, 57 and 59 are rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 4,928,345 (Meltzer et al.) or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 4,928,345 (Meltzer et al.) in view of [either U.S. Patent No. 3,886,657 (Fabián) or U.S. Patent No. 4,604,802 (Samuelsson)].

Claims 53, 54, 56, 57 and 59

Meltzer et al. teach a heated wiper blade and wiper blade carrier assembly 10 (a windshield wiper apparatus) comprising a blade carrier 100 (a blade rail); a wiper blade assembly 200 (a wiper blade) fitted onto (supported on) the blade carrier 100 (a blade rail); an adaptor 300 connected to the blade carrier 100 (a blade rail) for attaching the wiper blade assembly 200 to (supported on) a conventional wiper arm 12 (an arm) of a vehicle; and a heating assembly 400 which heats the blade carrier 100 and the blade assembly 200 (a heating element supported on the windshield wiper assembly) (column 3, lines 34-47). Meltzer et al. further teach that the heating assembly 400 comprises an elongated heating element 410 supported within the blade carrier 100 (the heating element is supported on the blade rail) and a second elongated heating element 420 embedded within the blade assembly 200 (the heating element is embedded within the wiper blade) (column 7, line 28 - column 8, line 8). As illustrated in Figure 5, Meltzer et al. further teach that the wiper blade assembly includes a new square edge (the wiper blade having a new edge; a normal new edge has been formed on the wiper blade).

Claim 53 is essentially a product-by-process claim wherein the structure of the windshield wiper apparatus is defined by a step of forming a new edge by revitalizing an old edge. In this regard, the examiner stipulates that the product limitations that flow from this step would be readable on any new wiper blade and not just a revitalized blade. Specifically, the whole point of revitalizing the old wiper blade is to make an old wiper blade function the same as a new wiper blade; therefore, a revitalized old wiper blade must have the same properties and characteristics as a new wiper blade to be capable of functioning like a new wiper blade. As such, the examiner stipulates that the new wiper blade and the associated windshield wiper apparatus of Meltzer et al. is readable on the claimed windshield wiper apparatus even though Meltzer et al. do not teach a revitalized old wiper blade.

Even if the new wiper blade of Meltzer et al. is not readable on the revitalized old wiper blade of the applicant's invention, the examiner stipulates that it would have been obvious to use a revitalized blade in the windshield wiper apparatus of Meltzer et al. as set forth hereafter. Fabian teach a windshield wiper having a new wiping edge formed by cutting a new edge having any desired oblique angle on an old wiper blade (a wiper blade, the wiper blade having a new edge formed from revitalizing an old edge) (column 1, lines 3-21; abstract). Samuelsson teach a squeegee blade having a fresh, clean straight edge formed by severing a worn edge of the squeegee blade from the body of the squeegee (a wiper blade, the wiper blade having a new edge formed from revitalizing an old edge) (column 1, lines 38-50; abstract). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made and one of ordinary skill would have been motivated to use a revitalized wiper blade in the windshield wiper apparatus of Meltzer et al. as taught by either Fabian or Samuelsson to thereby provide a windshield wiper apparatus having a lower cost and that takes advantage of the concept of recycling.

12. Claims 53-55 and 59 are rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,791,010 (Brady et al.) or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 5,791,010 (Brady et al.) in view of [either U.S. Patent No. 3,886,657 (Fabian) or U.S. Patent No. 4,604,802 (Samuelsson)].

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Claims 53-55 and 59

Brady et al. teach a heated windshield wiper assembly 10 (a windshield wiper apparatus) comprising a wiper arm 12 (an arm) having an elongate main articulation bow 14 (an arm) and a pair of elongate carrier bows 16, 17 (blade rail) each pivotally coupled to (supported on) one of a pair of spaced apart pivot mounts 18, 19 on the main articulation bow 14 (an arm); a wiper blade 20 (a wiper blade) mounted to (supported on) the pair of carrier bows 16, 17 (blade rail); a heating member 22 (a heating element supported on the windshield wiper assembly) having an elongate heating element 24 and an elongate reflector 26 located between the pivot mounts 18, 19 of the main articulate bow 14 (the heating element is supported on the arm) so that the heating member 22 is interposed between the main articulate bow 14 and the wiper blade 20 for heating the wiper blade 20 (column 3, line 56 - column 4, line 27; Figures 1 and 2). As illustrated in Figure 2, Brady et al. further teach that the wiper blade 20 includes a new square edge (the wiper blade having a new edge; a normal new edge has been formed on the wiper blade).

Claim 53 is essentially a product-by-process claim wherein the structure of the windshield wiper apparatus is defined by a step of forming a new edge by revitalizing an old edge. In this regard, the examiner stipulates that the product limitations that flow from this step would be readable on any new wiper blade and not just a revitalized blade. Specifically, the whole point of revitalizing the old wiper blade is to make an old wiper blade function the same as a new wiper blade; therefore, a revitalized old wiper blade must have the same properties and characteristics as a new wiper blade to be capable of functioning like a new wiper blade. As such, the examiner stipulates that the new wiper blade and the associated windshield wiper apparatus of Brady et al. is readable on the claimed windshield wiper apparatus even though Brady et al. do not teach a revitalized old wiper blade.

Even if the new wiper blade of Brady et al. is not readable on the revitalized old wiper blade of the applicant's invention, the examiner stipulates that it would have been obvious to use a revitalized blade in the windshield wiper apparatus of Brady et al. as set forth hereafter. Fabian teach a windshield wiper having a new wiping edge formed by cutting a new edge having any desired oblique angle on an old wiper blade (a wiper blade, the wiper blade having a new edge formed from revitalizing an old edge) (column 1, lines 3-21; abstract). Samuelsson teach a squeegee blade having a fresh, clean straight

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edge formed by severing a worn edge of the squeegee blade from the body of the squeegee (a wiper blade, the wiper blade having a new edge formed from revitalizing an old edge) (column 1, lines 38-50; abstract). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made and one of ordinary skill would have been motivated to use a revitalized wiper blade in the windshield wiper apparatus of Brady et al. as taught by either Fabian or Samuelsson to thereby provide a windshield wiper apparatus having a lower cost and that takes advantage of the concept of recycling.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over [either U.S. Patent No. 4,928,345 (Meltzer et al.) or U.S. Patent No. 5,791,010 (Brady et al.)] in view of U.S. Patent No. 3,886,657 (Fabian).

Claim 58

The discussion of Meltzer et al., Brady et al. and Fabian as applied to claim 53 above applies herein.

Neither Meltzer et al. nor Brady et al. specifically teaches that the wiper blade may include an oblique new edge. However, Fabian teach a windshield wiper having a new wiping edge formed by cutting a new edge having any desired oblique angle on an old wiper blade (an oblique new edge has been formed on the wiper blade) (column 1, lines 3-21; abstract). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made and one of ordinary skill would have been motivated to provide an oblique new edge on the wiper blade in the windshield wiper apparatus of either Meltzer et al. or Brady et al. as taught by Fabian to provide an edge having greater cleaning capability.

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15. Claims 63 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over [either U.S. Patent No. 3,886,657 (Fabian) or U.S. Patent No. 4,604,802 (Samuelsson)] in view of U.S. Patent No. 4,928,345 (Meltzer et al.).

Claims 63 and 65

Neither Fabian nor Samuelsson specifically teaches that the windshield wiper apparatus includes a heating element embedded therein, a blade rail on which the wiper blade is supported and a heating element supported on the blade rail. However, Meltzer et al. teach a heated wiper blade and wiper blade carrier assembly 10 (a windshield wiper apparatus) comprising a blade carrier 100 (a blade rail); a wiper blade assembly 200 (a wiper blade) fitted onto (supported on) the blade carrier 100 (a blade rail); an adaptor 300 connected to the blade carrier 100 (a blade rail) for attaching the wiper blade assembly 200 to (supported on) a conventional wiper arm 12 (an arm) of a vehicle; and a heating assembly 400 which heats the blade carrier 100 and the blade assembly 200 (a heating element supported on the windshield wiper assembly) (column 3, lines 34-47). Meltzer et al. further teach that the heating assembly 400 comprises an elongated heating element 410 supported within the blade carrier 100 (the heating element is supported on the blade rail) and a second elongated heating element 420 embedded within the blade assembly 200 (the heating element is embedded within the wiper blade) (column 7, line 28 - column 8, line 8). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made and one of ordinary skill would have been motivated to provide the windshield wiper apparatus of Fabian or Samuelsson with a blade rail on which the wiper blade supported, a heating element supported on the blade rail, a heating element embedded within the wiper blade as taught by Meltzer et al. to provide a windshield wiper apparatus capable of being used for automatically wiping the windshield of an automobile.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 2,973,577 (Schekowski), U.S. Patent No. 3,092,866 (Jennings et al.), U.S. Patent No. 4,334,448 (Messerschmitt), U.S. Patent No. 5,359,776 (Glazar), U.S. Patent No. 5,426,895 (Siciliano et

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al.), U.S. Patent No. 5,848,471 (Freeland) and German Patent Publication No. DE 3509786 A (Kummel) have been cited of interest to show the state of the art at the time the invention was made.

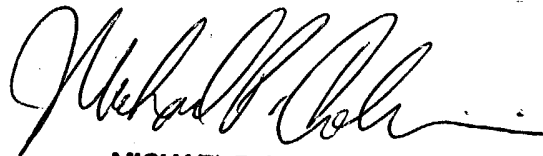
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael I Poe whose telephone number is (571) 272-1207. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Poe/mip



MICHAEL P. COLAIANNI
SUPERVISORY PATENT EXAMINER